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LRB094 08617 JAM 45608 a

1 AMENDMENT TO SENATE BILL 274

2 AMENDMENT NO. _____. Amend Senate Bill 274 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 6 as follows:

6 (5 ILCS 315/6) (from Ch. 48, par. 1606)

7 Sec. 6. Right to organize and bargain collectively;
8 exclusive representation; and fair share arrangements.

9 (a) Employees of the State and any political subdivision of
10 the State, excluding employees of the General Assembly of the
11 State of Illinois, have, and are protected in the exercise of,
12 the right of self-organization, and may form, join or assist
13 any labor organization, to bargain collectively through
14 representatives of their own choosing on questions of wages,
15 hours and other conditions of employment, not excluded by
16 Section 4 of this Act, and to engage in other concerted
17 activities not otherwise prohibited by law for the purposes of
18 collective bargaining or other mutual aid or protection, free
19 from interference, restraint or coercion. Employees also have,
20 and are protected in the exercise of, the right to refrain from
21 participating in any such concerted activities. Employees may
22 be required, pursuant to the terms of a lawful fair share
23 agreement, to pay a fee which shall be their proportionate
24 share of the costs of the collective bargaining process,

1 contract administration and pursuing matters affecting wages,
2 hours and other conditions of employment as defined in Section
3 3(g).

4 (b) Nothing in this Act prevents an employee from
5 presenting a grievance to the employer and having the grievance
6 heard and settled without the intervention of an employee
7 organization; provided that the exclusive bargaining
8 representative is afforded the opportunity to be present at
9 such conference and that any settlement made shall not be
10 inconsistent with the terms of any agreement in effect between
11 the employer and the exclusive bargaining representative.

12 (c) A labor organization designated by the Board as the
13 representative of the majority of public employees in an
14 appropriate unit in accordance with the procedures herein or
15 recognized by a public employer as the representative of the
16 majority of public employees in an appropriate unit is the
17 exclusive representative for the employees of such unit for the
18 purpose of collective bargaining with respect to rates of pay,
19 wages, hours and other conditions of employment not excluded by
20 Section 4 of this Act. A public employer is required upon
21 request to furnish the exclusive bargaining representative
22 with a complete list of the names and addresses of the public
23 employees in the bargaining unit, provided that a public
24 employer shall not be required to furnish such a list more than
25 once per payroll period. The exclusive bargaining
26 representative shall use the list exclusively for bargaining
27 representation purposes and shall not disclose any information
28 contained in the list for any other purpose. Nothing in this
29 Section, however, shall prohibit a bargaining representative
30 from disseminating a list of its union members.

31 (d) Labor organizations recognized by a public employer as
32 the exclusive representative or so designated in accordance
33 with the provisions of this Act are responsible for
34 representing the interests of all public employees in the unit.

1 Nothing herein shall be construed to limit an exclusive
2 representative's right to exercise its discretion to refuse to
3 process grievances of employees that are unmeritorious.

4 (e) When a collective bargaining agreement is entered into
5 with an exclusive representative, it may include in the
6 agreement a provision requiring employees covered by the
7 agreement who are not members of the organization to pay their
8 proportionate share of the costs of the collective bargaining
9 process, contract administration and pursuing matters
10 affecting wages, hours and conditions of employment, as defined
11 in Section 3 (g), but not to exceed the amount of dues
12 uniformly required of members. The organization shall certify
13 to the employer the amount constituting each nonmember
14 employee's proportionate share which shall not exceed dues
15 uniformly required of members. In such case, the proportionate
16 share payment in this Section shall be deducted by the employer
17 from the earnings of the nonmember employees and paid to the
18 employee organization.

19 (f) Only the exclusive representative may negotiate
20 provisions in a collective bargaining agreement providing for
21 the payroll deduction of labor organization dues, fair share
22 payment, initiation fees and assessments. Except as provided in
23 subsection (e) of this Section, any such deductions shall only
24 be made upon an employee's written authorization, and continued
25 until revoked in writing in the same manner or until the
26 termination date of an applicable collective bargaining
27 agreement. Such payments shall be paid to the exclusive
28 representative.

29 Where a collective bargaining agreement is terminated, or
30 continues in effect beyond its scheduled expiration date
31 pending the negotiation of a successor agreement or the
32 resolution of an impasse under Section 14, the employer shall
33 continue to honor and abide by any dues deduction or fair share
34 clause contained therein until a new agreement is reached

1 including dues deduction or a fair share clause. For the
2 benefit of any successor exclusive representative certified
3 under this Act, this provision shall be applicable, provided
4 the successor exclusive representative:

5 (i) certifies to the employer the amount constituting
6 each non-member's proportionate share under subsection
7 (e); or

8 (ii) presents the employer with employee written
9 authorizations for the deduction of dues, assessments, and
10 fees under this subsection.

11 Failure to so honor and abide by dues deduction or fair
12 share clauses for the benefit of any exclusive representative,
13 including a successor, shall be a violation of the duty to
14 bargain and an unfair labor practice.

15 (g) Agreements containing a fair share agreement must
16 safeguard the right of nonassociation of employees based upon
17 bona fide religious tenets or teachings of a church or
18 religious body of which such employees are members. Such
19 employees may be required to pay an amount equal to their fair
20 share, determined under a lawful fair share agreement, to a
21 nonreligious charitable organization mutually agreed upon by
22 the employees affected and the exclusive bargaining
23 representative to which such employees would otherwise pay such
24 service fee. If the affected employees and the bargaining
25 representative are unable to reach an agreement on the matter,
26 the Board may establish an approved list of charitable
27 organizations to which such payments may be made.

28 (Source: P.A. 93-854, eff. 1-1-05.)"